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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,635	09/26/2003	David G. Boyer	502084-A-01-US (Boyer)	8094
7590	09/19/2005		EXAMINER	
Ryan, Mason & Lewis, LLP Suite 205 1300 Post Road Fairfield, CT 06824			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,635

Applicant(s)

BOYER ET AL.

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Staples (US 5,889,845).

Regarding claim 1, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, column 2, line 40- col. 3, line 67), translating the presence information from at least one of the presence data stores into a standard format, and determining the presence status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 13, Staples discloses a method for determining a presence status of a user comprising obtaining 106 presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), and determining the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 18, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain

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presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), translate the presence information from at least one of the presence data stores into a standard format, and determine the presence status of the user based on the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 23, Staples discloses a system for determining a presence status of a user comprising a memory 344, at least one processor 346 to obtain presence information from a plurality of presence data stores (column 4, lines 55-67, abstract, col. 2, line 40- col. 3, line 67), translate the presence information from at least one of the presence data stores into a standard format, and determine the presence status of the user based on one or more rules that are applied to the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 2 and 19, Staples discloses the presence status indicating if the user can be reached at one or more indicated devices (the corporate office).

Regarding claim 3, Staples discloses a user registration process (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 4, Staples discloses observing activities of a user (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 5, Staples discloses a presence data collector (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 6, 14, and 20, Staples discloses querying a presence data store for the presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 7, 15, and 21, Staples discloses receiving message containing the presence information from a presence data store (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 8, 16, and 24, Staples discloses one or more rules that aggregate the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 9, 17, and 25, Staples discloses one or more rules that filter the obtained presence information (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claims 10 and 22, Staples discloses a format appropriate for recipient application and providing the presence status to the recipient application (abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67).

Regarding claim 11, Staples discloses the presence data store being a device (col. 4, lines 55-67).

Regarding claim 12, Staples discloses the presence data store being an application (col. 4, lines 55-67).

Answers to Remarks

3. Applicant's arguments filed on June 30, 2005 have been fully considered.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the presence proxy, a Lotus Notes Server, the presence data collector, a Lotus Notes client, a Microsoft Exchange Server, an application program interface, Microsoft Collaboration Data Objects library, a Calendar Server interface, a Netscape Directory Server, iCalendar interface, an XML document, the CPIM model) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Regarding claims 1 and 18, applicant has argued that Staples does not disclose translating presence information from the at least one of the presence data stores into a standard format. Applicant's arguments are not persuasive. Applicant's attention is directed to the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, where Staples teaches all recited limitations of claims 1 and 18. In the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, Staples clearly discloses translating presence information from the at least one of the presence data stores into a standard format. The plurality of presence data stores include the remote user's registration information including identification and security information, connecting or disconnecting status to the virtual presence server, and the information that the virtual presence server uses in order to automatically forward all calls and route email, faxes, and LAN data to the remote user. It is clearly seen that the information that the virtual presence server uses in order to automatically forward all calls and route email, faxes, and LAN data to the remote user must be in a standard format.

Also, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the presence proxy, a programmable interface, the user-specification of logic, the user can define filtering rules that determine how the presence information of the user is shared with applications, a conflict between an appointment in my Microsoft Outlook Calendar and my Palm in my Palm Calendar, the text analysis engine can analyze scheduled appointments/meetings for keywords and infer the presence information for the user according to the user's rules, a user could create a rule that establishes his or her status as "busy" whenever the user has the "lunch" keyword in his appointments, the user could create a rule that establishes his or her status as "unavailable" whenever the "tele-cof" keyword appears in the user's appointments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Regarding claims 13 and 23, applicant has argued that Staples does not disclose determining presence status of a user based on one or more rules that are applied to the obtained presence information. Applicant's arguments are not persuasive. Applicant's attention is directed to the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, where Staples teaches all recited limitations of claims 13 and 23. In the abstract, figures 1, 10, 12-20, column 2, line 40- col. 3, line 67, Staples clearly discloses determining presence status of a user based on one or more rules that are applied to the obtained presence information.

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4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
September 02, 2005